

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

<p>SUSAN E. BREDTHAUER,</p>	<p>)</p>	
	<p>)</p>	
Plaintiff,	<p>)</p>	4:10CV3132
	<p>)</p>	
vs.	<p>)</p>	ORDER
	<p>)</p>	
GILBERT G. LUNDSTROM, et al.,	<p>)</p>	
	<p>)</p>	
Defendants,	<p>)</p>	
	<p>)</p>	
and	<p>)</p>	
	<p>)</p>	
RONALD A. LAIRD,	<p>)</p>	
	<p>)</p>	
Plaintiff,	<p>)</p>	4:10CV3139
	<p>)</p>	
vs.	<p>)</p>	ORDER
	<p>)</p>	
GILBERT G. LUNDSTROM, et al.,	<p>)</p>	
	<p>)</p>	
Defendants,	<p>)</p>	
	<p>)</p>	
and	<p>)</p>	
	<p>)</p>	
SUSAN BARKER,	<p>)</p>	
	<p>)</p>	
Plaintiff,	<p>)</p>	8:10CV326
	<p>)</p>	
vs.	<p>)</p>	ORDER
	<p>)</p>	
SAMUEL P. BAIRD, et al.,	<p>)</p>	
	<p>)</p>	
Defendants.	<p>)</p>	

This matter is before the court upon the notice of the death of one of the defendants, Gale Furnas. **See** Filing Nos. [78](#) and [94](#), in case 4:10CV3132. In accordance with [Federal Rule of Civil Procedure 25\(a\)\(1\)](#), the plaintiffs have 90 days “after service of a statement noting the death” to move for substitution of the deceased party, if the claim is not automatically extinguished, or the action shall be dismissed against the deceased party. In this case, the plaintiffs noted Mr. Furnas’ death in the record on December 15,

2010. **See** Filing No. [78](#) in case 4:10CV3132. Additionally, Mr. Furnas' counsel filed a formal notice of death on January 14, 2011. **See** Filing No. [94](#) in case 4:10CV3132. Accordingly,

IT IS ORDERED:

On or before April 14, 2011, the plaintiffs shall file a motion for substitution of parties, if appropriate, in accordance with the provisions of Rule 25, or file a motion to voluntarily dismiss Gale Furnas as a defendant in this action, in accordance with Rule 41(a). If the plaintiffs fail to comply with this order the defendant Gale Furnas may be dismissed as a party, without further notice, pursuant to Rule 41(b).

DATED this 21st day of March, 2011.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge